

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: September 1, 2010
SUBJECT: **CONDITIONAL USE PERMIT NO. 2010-020 (THE FIREPIT)**
LOCATION: 3801 Warner Avenue Unit C, 92649 (northeast corner of Warner Avenue and Pacific Coast Highway)

**Applicant/
Property**

Owner: Sal Amash, 3833 E. Mandeville Place, Orange, CA 92867

Request: To permit the establishment of on-site sales and consumption of alcohol within an existing 1,200 sq. ft. restaurant.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG-CZ (Commercial General- Coastal Zone)

General Plan: CV- F1(Commercial Visitor- Max. 0.35 Floor Area Ratio)

Existing Use: Restaurant

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves no expansion in the overall floor area of an existing restaurant use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-020:

1. Conditional Use Permit No. 2010-020 for the establishment, maintenance and operation of the on-site sales and consumption of alcohol within an existing 1,200 sq. ft. restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject tenant space is located approximately 200 feet from the nearest residential uses to the north. Residential uses are buffered from the restaurant by a minimum 6 ft. high perimeter

block wall and a parking lot area. The restaurant's entrance doors are located along the west side of the building facing Pacific Coast Highway which are oriented away from nearby residences. Alcohol consumption will be limited to the interior of the business and based upon the conditions imposed is not anticipated to generate additional noise, traffic, and safety impacts beyond which already exists in the surrounding area. The proposed use will operate in conjunction with an eating and drinking establishment (maximum 12 seats). Furthermore, no additional parking is required for the use.

2. The conditional use permit will be compatible with surrounding uses because the sales and consumption of alcohol will be ancillary to an existing restaurant use and occur within the interior of the restaurant during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant commercial shopping center and consistent with adjacent uses, which serve nearby residents and visitors.
3. The proposed conditional use permit will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with alcohol sales is located within an existing commercial center and complies with minimum on-site parking requirements. Alcohol sales are permitted in the CG (Commercial General) zoning district subject to approval of a Conditional Use Permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.3: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses. Based upon the operational conditions imposed, the restaurant is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-020:

1. The site plan and floor plan received and dated July 14, 2010, shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. Food from the regular menu shall be available during regular business hours up until at least 30 minutes prior to the scheduled closing time. **(PD)**
 - b. Alcohol service and consumption shall be limited to within the interior of the restaurant only. **(PD)**
 - c. All alcoholic beverages shall be served in clearly identifiable and distinctive glasses, which are different from those containing non-alcoholic beverages. **(PD)**
 - d. All areas to be utilized for the sales, service and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the clear identification of patrons. **(PD)**
 - e. The submitted floor plan shall not be modified without prior approval from the Huntington Beach Police Department. **(PD)**
 - f. Dancing and entertainment without the approval of a conditional use permit shall be prohibited. **(PD)**
 - g. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - h. The use conditions listed herein shall be clearly posted on the premises at all times.
3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.